This document has been electronically entered in the records of the United States Bankruptcy Court for the Southern District of Ohio.

IT IS SO ORDERED.

C. Kathryn Preston
United States Bankruptcy Judge

Dated: March 9, 2017

IN THE UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE:

Barry E. Disbennett	Case # 16-55518
Kimberly L. Disbennett	Chapter 13
Debtors	Judge Preston

AGREED ORDER RESOLVING TRUSTEE'S OBJECTION (Doc #57) AND INTERNAL REVENUE SERVICE'S OBJECTION (Doc #60) TO DEBTORS' AMENDED MOTION TO SELL REAL ESTATE LOCATED AT 207 S. ASH STREET, MARYSVILLE, OHIO 43040 FREE AND CLEAR OF ALL LIENS (Doc #54)

This cause comes on before the Court upon the Debtors' Amended Motion to Sell Real Estate located at 207 S. Ash Street, Marysville, OH 43040 Free and Clear of all Liens (Doc #54) and the Objections thereto of the Trustee (Doc #57) and the Internal Revenue Service (Doc #60). Prior to the matter proceeding to hearing, the parties resolved all issues in dispute. The Court finding the resolution fair and equitable, hereby ORDERS same.

The Debtors' Motion to Sell shall be granted subject to the provisions of this Order. The Debtors shall resolve all plan length issues which may exist as a consequence of the sale of 207 S. Ash Street, Marysville, OH 43040, by filing the appropriate documents within ninety (90) days from the entry of this Order.

The Chapter 13 Trustee's Objection is hereby deemed resolved.

IT IS THEREFORE ORDERED that:

1. Debtors are granted leave to sell real estate located at 207 S. Ash Street, Marysville, OH 43040 (see attached legal description) for the sum of $110,000.00 to Connor Johnson, an unrelated third party, free and clear of all liens. All liens and encumbrances are Ordered transferred to the sale proceeds in the Order of their priority;

2. Upon the docketing of this Order, the liens of the Internal Revenue Service, as they relate to the real estate being sold, namely, 207 S. Ash Street, Marysville, OH 43040, shall be deemed discharged, as the term discharged is used in *26 U.S.C. § 6325(b)(2)(B*);

3. the discharge of the Internal Revenue Service liens to which the preceding item refers is being made pursuant to *26 U.S.C. § 6325(b)(2)(B)* for which no further application to the Internal Revenue Service for a Certificate of Discharge will be necessary. This Order shall constitute a Certificate of Discharge of the identified federal tax liens pursuant to *26 U.S.C. 6325(b)(2)(B)* and may be recorded as such. The status of the United States of America's claim as it relates to other assets owned by the Debtors shall be unaffected by this Order.

4. the closing agent shall deduct the closing costs, realtor commissions and related expenses from the sale proceeds, before making distribution to lienholders;

5. the lienholders shall be paid in the following priority and in the following approximate amounts:

i. Union County Treasurer - $9,626.03 (plus per diem to date of closing) (approximate amount only. The actual tax to be paid will be ascertained from the County Auditor on the date of sale);

ii. Internal Revenue Service – the following tax liens of the Internal Revenue Service:

Lien amount (approx)	date filed	cite
(I) 49,550.66	9.24.2007	OR 754 pg 589
(II)$27,635.49	9.24.2007	OR 754 pg 590

(citations to the Union County Recorder's Official Records)

iii. State of Ohio Department of Taxation – the following tax lien of the State of Ohio as provided by Order entered 11.3.2016 (Doc #40):

Lien amount (approx)	date filed	cite
(I) $8,432.00	2.11.2008	2008CJ0087

(citation to the Union County Clerk of Courts records)

iv. Internal Revenue Service – the following tax liens of the Internal Revenue Service:

Lien amount (approx)	date filed	cite
(I) $6,655.82	5.7.2008	OR 782 pg 469

The amounts delineated herein are approximate amounts only. The closing agent shall ascertain the exact amounts necessary to pay the above liens as of the date of closing. The liens shall be paid until the proceeds of sale are exhausted and any remaining funds shall be remitted to the Chapter 13 Trustee;

6. all other liens and encumbrances of the Union County Treasurer and State of Ohio Department of Taxation, as previously identified in this Order, are Ordered transferred to the sale proceeds in the Order of their priority;

7. the closing agent shall make disbursements at closing. The closing agent shall forward to the trustee the closing statement and any proceeds to be paid to the Chapter 13 estate within three (3) working days after closing. The settlement statement shall show:

a. the amount paid each lienholder;
b. the amount of real estate taxes paid;
c. the name and amount paid to any realtor;
d. any deductions from the sale proceeds, with an explanation therefore;
e. any closing costs paid;
f. the calculation of the total deductions from the sale proceeds and the amount of the sale proceeds being paid into the plan;

8. Debtors shall transfer the real estate located at 207 S. Ash Street, Marysville, OH 43040 to the buyer free and clear of all encumbrances. The Union County Recorder or any other appropriate governmental entity charged with recording liens or encumbrances may accept a docketed copy of this Order as evidence that the transfer of the real estate located at 207 S. Ash Street, Marysville, OH 43040 is being transferred to the Buyer, Connor Johnson, free and clear of all liens or encumbrances;

9. the 14 day waiting period is hereby terminated.

IT IS SO ORDERED.

FORM 666X Warranty Deed - OHIO Statutory Form
REV. 8/76

136678

TUTBLANX REGISTERED U. S. PAT. OFFICE
TUTTLE LAW PRINT, PUBLISHERS, RUTLAND, VT 05701

Know all Men by these Presents

That MARGARET ANN COOK, unmarried

of County, State of Ohio, for valuable consideration paid, grant ,

with general warranty covenants, to BARRY E. DISBENNETT and KIM L. HOLLINGSHEAD

whose tax mailing address is 303 West Sixth Street, Marysville, Ohio 43040

the following real property:

Real estate situated in the County of Union, in the State of Ohio, and in the City of Marysville, and bounded and described as follows:

Beginning at the intersection of the line marking the South margin of Sixth Street, and in the line marking the West margin of Ash Street; thence west with said line of Sixth Street four poles; thence South parallel with said Ash Street ten rods, more or less, to an alley; thence East with the North side of said alley four rods to the West margin of said Ash Street; thence North with said line to the place of beginning, and including all of In-Lot #162, except so much as has been taken for said Ash Street.

EXCEPTING THEREFROM the following real estate:

Being 63 feet in width off the south end of Lot No. 162 in the Western Addition to the City of Marysville. The premises herein conveyed having a frontage of 63 feet on Ash Street and a depth of 66 feet. Refer to the plat of the Western Addition to Marysville, in Vol. of Deeds No. 110, page 623, and also the proceedings in the renumbering of the lots of said Village of Marysville in Plat Book No. 1, Page 15. Also refer to the ordinance passed by the Village of Marysville on April 29, 1878, opening Ash Street, and appropriating land for the same.

EXCEPT FOR EASEMENT AND RESTRICTIONS OF RECORD AND REAL ESTATE TAXES FOR THE YEAR 1985.

TRANSFERRED
APR 25 1985
Eloise Dowell, Aud.
BY Cmt

This Conveyance has been examined and the Grantor has complied with Section 319.202 of the Revised Code.
FEE $ 71 00/100
EXEMPT ______
ELOISE DOWELL, County Auditor

73

174

Prior Instrument Reference: Volume 243 Page 478 ~~wife husband of the grantor, releases all rights of dower therein.~~

Witness my hand this 19 day of April 19 85.

Signed and acknowledged in presence of

Lois E. Mellinger

Gary Nicoleo

X Margaret Ann Cook
MARGARET ANN COOK

State of Florida ~~Ohio~~ }
Lee County, } ss. Before me, a Notary Public in and for said County and State, personally appeared the above named

MARGARET ANN COOK, unmarried,

who acknowledged that she did sign the foregoing instrument and that the same is her free act and deed.

In Testimony Whereof, I have hereunto set my hand and official seal, at , Florida this 19 day of April, A. D. 19 85

Gary Nicoleo
Notary Public

State of } ss. Before me, a
County, } in and for said County and State, personally appeared the above named

who acknowledged that did sign the foregoing instrument and that the same is free act and deed.

In Testimony Whereof, I have hereunto set my hand and official seal, at this day of A. D. 19

This instrument prepared by ALLEN, HOWARD & YURASEK, Attorneys at Law

Warranty Deed

MARGARET ANN COOK, unmarried,

TO

BARRY E. DISBENNETT & KIM L. HOLLINGSHEAD

Transferred April 19 85

COUNTY AUDITOR

BETTY J. POLING
RECORDER, UNION CO. OH
1985 APR 25 PM 3:55
VOL 295 PAGE 13
10.00

ALLEN, HOWARD & YURASEK
ATTORNEYS AT LAW
233 WEST FIFTH STREET
P. O. BOX 391
MARYSVILLE, OHIO 43040

APPROVED:

/s/ Amy E. Gullifer
Amy E. Gullifer # 0074218
Attorney for Debtor(s)
CANNIZZARO, BRIDGES, JILLISKY & STRENG, LLC
302 South Main Street
Marysville, Ohio 43040
937-644-9125 (telephone no.)
937-644-0754 (fax no.)
bkadmin@cfbjs.com

/s/ Erin M. Dooley per email authority on 2/10/17
Erin M. Dooley (0089092)
THE LAW OFFICE OF CHARLES MIFSUD, LLC
6305 Emerald Parkway
Dublin, Ohio 43016
Telephone: (614) 389-6357
Facsimile: (614) 389-2294
Attorneys for State of Ohio Department of Taxation

/s/ Frank M. Pees by DTP (0076375) per email authority on 2/9/17
Frank Pees, Chapter 13 Trustee
130 E. Wilson Bridge Rd., #200
Worthington, OH 43085
(614) 436-6700 telephone
(614) 436-0190 facsimile

/s/ Bethany J. Hamilton per email authority on 2/6/17
Bethany J. Hamilton (0075139)
Assistant United States Attorney
303 Marconi Blvd., Suite 200
Columbus, OH 43215
(614)469-5715 telephone
(614)469-5240 facsimile
Email: Bethany.hamilton@usdoj.gov

Copies to:
Default list;
Erin M. Dooley, 6305 Emerald Parkway, Dublin, Ohio 43016
Bethany J. Hamilton, 303 Marconi Blvd., Suite 200, Columbus, OH 43215

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